

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KIM M. SHELDON,	§
	§ No. 358, 2010
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. VS0805026682
	§
Plaintiff Below-	§
Appellee.	§

Submitted: July 2, 2010  
Decided: July 15, 2010

Before **HOLLAND, BERGER** and **JACOBS**, Justices

**ORDER**

This 15<sup>th</sup> day of July 2010, it appears to the Court that:

(1) On June 15, 2010, the Court received the appellant's notice of appeal from the Superior Court's April 22, 2010 order finding her in violation of probation. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the April 22, 2010 order should have been filed on or before May 24, 2010.

(2) On June 15, 2010, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed her response to the notice to show cause on June 25, 2010. The appellant states that she mistakenly filed

her notice of appeal in the Superior Court on the advice of someone in the prison law library. She also states that, once she realized her error, she immediately sent the notice of appeal to the Supreme Court. Pursuant to Rule 6(a)(iii), a notice of appeal must be filed within 30 days after entry upon the docket of the judgment or order being appealed.

(3) Time is a jurisdictional requirement.<sup>1</sup> A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.<sup>2</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.<sup>3</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his or her appeal can not be considered.<sup>4</sup>

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

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<sup>1</sup> *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

<sup>2</sup> Supr. Ct. R. 10(a).

<sup>3</sup> *Carr v. State*, 554 A.2d at 779.

<sup>4</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice